

1 *Heckler*, 464 U.S. 67, 70 (1983); *NAACP. v. City of Richmond*, 743
 2 F.2d 1346, 1352 (9th Cir. 1984). A case becomes moot if the “the issues presented are
 3 no longer ‘live’ or the parties lack a legally cognizable interest in the outcome.”
 4 *Murphy v. Hunt*, 455 U.S. 478, 481 (1984). When a prisoner is released from custody,
 5 the motion for compassionate release becomes moot because there is no further relief
 6 this Court can provide. Even release to a halfway house or residential reentry center
 7 may moot a motion for compassionate release. *See e.g., United States v. McCain-Bray*,
 8 No. 2:16cr00224-KJD-CWH, 2021 WL 5501103, at *1 (D. Nev. Nov. 23, 2021)
 9 (motion for compassionate release rendered moot when defendant was released from
 10 prison and transferred to a residential reentry center); *United States v. Makerson*, No.
 11 1:04cr0064-MR-WCM-1, 2021 WL 4314464, at *1 (W.D.N.C. Sept. 22, 2021) (“Given
 12 that the Defendant has now been released from Butner Low and has been transferred to
 13 a halfway house, it appears that the basis for his compassionate release request is now
 14 moot and should be denied on this basis alone.”); *but see United States v. Tarabein*, No.
 15 17cr0090-KD-B, 2021 WL 5181309 (S.D. Ala. Nov. 8, 2021) (denying compassionate
 16 release on merits while defendant released by BOP on home confinement); *United*
 17 *States v. Mathews*, No. CR 20-40029, 2021 WL 4523588 (D. S.D. Oct. 4, 2021) (same).

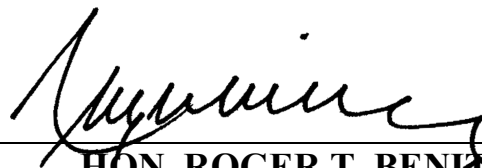
18 In this case, based on all indications, Defendant has been released from federal
 19 custody and, as a result, this motion is moot.

20 **IV. ORDER**

21 For the reasons set forth above, IT IS ORDERED that the motion be denied
 22 without prejudice.

23 **IT IS SO ORDERED.**

24 DATED: December 17, 2021



25 **HON. ROGER T. BENITEZ**

26 United States District Judge